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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,973	09/29/2003	Allan J. Bobren	12560 (6365/88822)	2596
44986	7590	06/28/2005		
WELSH & KATZ, LTD. (ILLINOIS TOOL WORKS) 120 S. RIVERSIDE PLAZA CHICAGO, IL 60606			EXAMINER PARADISO, JOHN ROGER	
			ART UNIT 3721	PAPER NUMBER

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SM

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/673,973	BOBREN, ALLAN J.	
	<b>Examiner</b>	<b>Art Unit</b>	
	John R. Paradiso	3721	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 April 2005.  
2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1 is/are pending in the application.  
    4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☐ Claim(s) 1 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
    a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
        1. ☐ Certified copies of the priority documents have been received.  
        2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
    \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claim 1 is are rejected under 35 U.S.C. 103(a) as being unpatentable over SHIBAZAKI ET AL in view of WILLARD ET AL and EBERLE (US 2721645), as set forth in paragraph 2 of the previous Office Action.

### ***Response to Arguments***

3. Applicant's arguments filed 4/7/2005 have been fully considered but they are not persuasive.

4. Applicant states on page 4 of his Response that "Applicant submits that even (for the sake of argument) taking the Examiner's well known configuration position at face value, there is nothing that would motivate one to make the roller sets pivotable, nor lock the roller sets in their respective positions using the claimed structure."

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However, such motivation is clearly stated in paragraph 2 of the previous Office Action and Examiner maintains that:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the input and/or output conveyors of the combination of SHIBAZAKI ET AL and WILLARD ET AL pivotable in order to make it easier for smaller or less muscular operators to bring things off or onto the conveyors with whatever angle is most convenient for them.

5. Applicant states on page 4 of his Response that "Although Eberle appears to disclose drop down table sides (note, they are not part of the roller sections), again, nothing could be construed to teach, motivate or suggest the specifically recited arrangement of infeed and outfeed rollers on pivotal work surface portions that lock into the strapper body by a hook and slot arrangement."

However, such motivation is clearly stated in paragraph 2 of the previous Office Action and Examiner maintains that:

the use of hook / slot connectors to join machinery pieces to a frame is well known in the art (and in everyday life - my own bedframe uses hooks on the connectors and slots on the frame to connect the bedframe together) and it would have been obvious to one of ordinary skill in the art at the time the invention was made to use hook / slot connectors to join the roller sets to the frame of the combination of SHIBAZAKI ET AL and WILLARD ET AL in order to provide a secure and rapidly detachable method of connecting the machine parts so that it can be assembled / disassembled quickly for maintenance, etc.

6. Applicant states on page 4 of his Response that "it is only with the benefit of hindsight , having the present invention (and claims) in had that one could assert that the claimed invention would have been obvious to one skilled in the art."

However, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

#### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

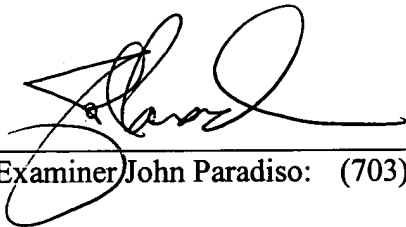
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Paradiso. The examiner can normally be reached Monday-Friday, 9:30 p.m. – 6:00 p.m. (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada, can be reached at the number listed below.

Any inquiry of a general nature or relating to the status of this application should be directed to the 3700 Technology Center Receptionist.



Examiner John Paradiso: (703) 308-2825

June 26, 2005

Additional Phone Numbers:

Supervisor Rinaldi Rada:	(703) 308-2187
TC 3700 Receptionist:	(703) 308-1148
Customer Service:	(703) 306-5648
Fax (directly to Examiner)	(703) 746-3253
Fax (Official):	(703) 872-9306